

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:

BEDIONG A NYOKON

Debtor

CHAPTER 13

CASE NO. 24-50090

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS,
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 3/6/2024 and (iii) moves to dismiss this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

April 25, 2024 at 9:30 a.m.

Parties should contact Judge Connelly's courtroom deputies at
VAWBml_Connelly_Scheduling@vawb.uscourts.gov
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

Documents - Assets

- Please the trustee with proof of age of the individual who holds a life estate at 1140 Happy Ridge Drive.
- Please the trustee with documentation regarding Business Sale \$68,000, including balance sheet and operating statements to verify the value. Provide proof of how proceeds were spent.
- Copy of Deed(s) conveying real property to Debtor(s) for all property listed on Schedule A, or specifically for: Life Estate and 2023 Deed

Documents - Income

- Copy of operating statements for the following period: 6 months
- Proof of rental income of: \$2,000
- Proof of social security or pension income of: SSI: \$870 Retirement: \$229
- Bank and financial statements from all personal and business accounts for the period of: February 2024
- DSO information needed: payee name, address, and phone number.

Documents - Other

- The Section 341 meeting of creditors is adjourned to April 3, 2024, at 9:00 am. Please call in on the same Zoom information: Zoom - Scolforo: Meeting ID 521 328 9393, Passcode 0411151273, Phone 1 (540) 952-9916.
- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

Pleadings

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- Amend Schedule C: The Trustee objects to the following claims of exemption: exemption for 100% of fair market value for "single family home" without citation to any legal authority.

- Amend Schedule F: to add and notice all creditors (ie - student loans, support obligations).
- Amend the Statement of Financial Affairs: #4 and #5 to disclose all income for 2022-2024

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

Amend Plan or Suggest Confirmation Order Language

- Amend the plan to pay 100% of all claims and: 1. Show total plan payments of \$120,000 in Part 2.5; 2. In Part 3.1 clarify if the arrears owed to PHH are \$60,000 or only the \$2,000 shown in the last column; 3. Fill in Part 4.2 to show my commission rate may be as high as 10%; 4. Fill in Part 4.4 to show any taxes or support that are owed and must be paid; 5. Fill in Part 5.1 to show a % expected to go to unsecured creditors on the second line – AND – complete the section showing the amount required “If the estate ... were liquidated under chapter 7” which figure should be \$267,898; and 6. Remove payments in Part 5.2 because they should not be separately classified, or explain why this provision is necessary.

Objections

- The Debtor's proof of credit counseling shows it was taken after the case was filed. Debtor may not be eligible for bankruptcy.
- The Debtor has not filed all applicable Federal, State, and local tax returns pursuant to 11 U.S.C. Section 1308 and 1325(a)(9). Years not filed: 2022 and 2023. Provide the Trustee with a copy of tax returns once filed, within 30 days.

3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:

Conf - Must Pay 100%

- The Plan must yield 100% to allowed unsecured creditors pursuant to 11 U.S.C. Section 1325 (a) (4) Chapter 7 Test, and Debtor(s) shall promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer yields 100% to such creditors.

4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

WHEREFORE, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: March 26, 2024

/s/ Angela M. Scolforo

Angela M. Scolforo, Chapter 13
Trustee
P. O. Box 2103
Charlottesville, VA 22902
Ph: 434-817-9913
Email: ch13staff@cvillech13.net

CERTIFICATE OF SERVICE

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on March 26, 2024.

/s/ Angela M. Scolforo

Angela M. Scolforo, Chapter 13
Trustee

P. O. Box 2103

Charlottesville, VA 22902

Ph: 434-817-9913

Email: ch13staff@cvillech13.net